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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA (San Francisco)**

In Re:	Civil Number: CV 07-04333PJH
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10 **PROS RIVERA,**

11 **Debtor,**

12 **CHERIE IVEY,**

13 **Plaintiff,**

14 **vs.**

15 **PROS RIVERA,**

16 **Defendant.**

17 **Bankruptcy No.: 05-32090 TEC**
Adversary Proceeding No. 05-3441

18 **EX PARTE “EMERGENCY”**
APPLICATION AND MOTION FOR AN
ORDER GRANTING A ONE WEEK
EXTENSION TO FILE THE
APPELLANT’S OPENING BRIEF DUE
TO ILLNESS OF ATTORNEY FOR
APPELLANT

22 Willie E. Phillips, Attorney for the Plaintiff/Appellant hereby applies for an “Emergency” Court
 23 Order Extending the Deadline to serve and file the Appellant’s Opening Brief from November 13, 2007
 24 for one week to November 20, 2007.

25 This Ex Parte “Emergency” Application and Motion is made on the grounds of illness of the
 26 Attorney for the Appellant. Attorney Phillips became very ill with a cold or flu on Friday night
 27 November 9, 2007 and continues to be ill as of today November 13, 2007. Because of this being a
 28 medical emergency on the weekend and Monday (November 12, 2007) being the Veteran’s Day
 29 Holiday with the Court’s being closed, there has not been an opportunity to provide the Court with a

1 Noticed Motion. There has not been a prior Extension requested and there is no detriment nor adverse
2 effect on the Appellee.

3 This Ex Parte "Emergency" Application and Motion is based on the attached Declaration of
4 Appellant's Attorney Willie E. Phillips and Memorandum of Points and Authorities served by fax on the
5 Apellee's Attorney and filed herewith.

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7 Date: November 13, 2007

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/s/

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10 Willie E. Phillips, Attorney for Plaintiff/Appellant

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